

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ANSYS, INC.

Plaintiff,

v.

DOES 1 THROUGH 359,

Defendants.

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Cause No. 6:24-cv-00363-ADA-DTG

JURY TRIAL DEMANDED

**ANSYS, INC.'S RESPONSE TO MOTION TO QUASH SUBPOENA
AND FOR A PROTECTIVE ORDER BY DOE DEFENDANT NO. 7**

The Court should deny the Motion to Quash Subpoena and for a Protective Order by Doe Defendant No. 7 (Dkt. No. 8) (the “Motion”) for the following reasons.

I. INTRODUCTION

Ansys, Inc. (“Ansys”) filed this lawsuit against 359 Doe Defendants against whom Ansys has evidence of software piracy to protect its intellectual property rights. *See* Complaint (Dkt. No. 1). Ansys did not know the identity of those alleged software pirates at the time it filed suit, so Ansys sought (Dkt. No. 4), and the Court granted (Dkt. No. 6), permission for Ansys to issue subpoenas to Internet Service Providers (“ISPs”) to obtain the identity of the alleged infringers.

Ansys issued a discovery subpoena to Cox Communications on or about March 12, 2025. Upon information and belief, Cox identified its customers associated with the IP addresses provided by Ansys, then notified those customers that it would be providing their contact information to Ansys in response to the subpoena. On April 14, 2025, Cox Doe No. 7, without conferring with counsel for Ansys, filed the Motion, seeking to prevent Cox from providing his/her information to Ansys. Cox has provided Ansys information on the other 24 individuals Ansys

identified, but it withheld identifying information on Cox Doe No. 7. *See* Cox Subpoena Response, attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.¹ Ansys has no other way to learn the identity of Cox Doe No. 7 to complete its investigation of his/her alleged copyright infringement.

II. ARGUMENT

As the Court has held, Ansys:

...has met its burden to show good cause exists for limited expedited discovery. First, Plaintiff has established a prima facie claim of copyright infringement and violations of the DMCA. Plaintiff alleges that it is the owner of the copyrights being infringed and that Defendants reproduced and used the copyrighted works without Plaintiff's authorization using internet subscriber accounts identified by IP addresses. Plaintiff further alleges that in doing so, Defendants thwarted the technological measures Plaintiff used to control access to the software. Second, Plaintiff seeks to obtain limited discovery from ISPs for identifying information associated with the IP addresses. Third, Plaintiff has established that it lacks alternative means to obtain the information sought in the proposed subpoena because only the ISP who assigned the IP address can identify the user. Fourth, the identities and residences of Defendants are critical to Plaintiff's ability to advance its claims—without it, Plaintiff will be unable to serve process. Finally, Defendants, as ISP subscribers, have “a minimal expectation of privacy in the sharing of copyrighted material.” *Malibu Media*, 2019 WL 4003086 at *2 (internal quotation marks and citation omitted). Put simply, all factors discussed above support disclosure of Defendants' identities.

See Order (Dkt. No. 6), at 3. Accordingly, the Motion should be denied, and Cox should be required to provide Cox Doe No. 7's identity to Ansys.

The Court may also “refuse to hear or may deny” the Motion, because Cox Doe No. 7 filed the Motion without conferring with Ansys as required by LR CV-7.G. Had such conferral taken place, Ansys would have the identifying information such that it could complete its investigation.

¹ Ansys has redacted the identifying subscriber information in Exhibit 1. Ansys has not filed this lawsuit to embarrass or harass the Doe defendants. On the contrary, Ansys filed this lawsuit because it has evidence of copyright infringement and needs the identifying information to complete its investigation.

Ansys is willing to consider the arguments made in the Motion as part of its investigation. But without knowing the identity of Cox Doe No. 7, Ansys cannot complete its investigation of the alleged infringing acts by Cox Doe No. 7.

III. CONCLUSION

For the foregoing reasons, Ansys respectfully requests this Court deny the Motion.

Dated: April 21, 2025

Respectfully submitted,

DANIELS & TREDENNICK PLLC

/s/ John F. Luman III

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record and Cox Doe No. 7.

/s/ John F. Luman III

John F. Luman III